



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

bear the burden of such proof and yet satisfy a court requiring the proof of a single legacy by a preponderance of evidence. For this reason the issues in the tort action are not made *res judicata* by the probate decree. *Hibshman v. Dulleban*, 4 Watts (Pa.) 183; *Angel v. Hollister*, 38 N. Y. 378; *Long v. Baugas*, 2 Ired. (N. C.) 290.

TORTS — STATUTORY LIABILITY — INFANTS — WHETHER INFANT'S DECEIT BARS ACTION UNDER CHILD LABOR STATUTE. — While employed in the defendant's plant, in violation of a child labor law, a minor sustained injuries. Neither party was negligent. The minor had represented himself as of legal age. His mother now sues in his behalf. *Held*, that she can recover. *Alexander v. Standard Oil Co.*, 72 So. 806 (La.).

It is settled that a violation of a child labor law followed by injury in the employment gives a cause of action to the minor. See 28 HARV. L. REV. 433. And courts generally disallow the plea of contributory negligence. *Pinoza v. Northern Chair Co.*, 152 Wis. 47, 140 N. W. 84. *Contra*, *Berdos v. Tremont & Suffolk Mills*, 209 Mass. 489, 95 N. E. 876. Nor can assumption of risk be pleaded. *Thomas Madden, etc. Co. v. Wilcox*, 174 Ind. 657, 91 N. E. 933. But the contributory fault in the principal case was of a significantly different order. An employer who knows he is hiring a minor under age can reasonably be deprived of the usual defenses, based on conduct of the minor from which the statute meant to save him. It is another thing to make an innocent employer the insurer of minors whose conscious misrepresentations are to be made the source of his absolute liability. Now it has been held that an action for deceit will lie against an infant. *Rice v. Boyer*, 108 Ind. 472, 9 N. E. 420. The misrepresentation, by causing the employment, was a proximate cause of the employer's liability. It is, therefore, submitted that the plea of deceit should be good, either by way of counterclaim or to prevent circuity of action. *Cf. Dushane v. Benedict*, 120 U. S. 630. The decisions, however, support the principal case. *Inland Steel Co. v. Yedinak*, 172 Ind. 423, 87 N. E. 229; *Beauchamp v. Sturges, etc. Co.*, 250 Ill. 303, 95 N. E. 204; *Kirkham v. Wheeler-Osgood Co.*, 39 Wash. 415, 81 Pac. 869. *Contra*, *Koester v. Rochester Candy Works*, 194 N. Y. 92, 87 N. E. 77.

TRADE MARKS AND TRADE NAMES — PROTECTION APART FROM STATUTE — FAILURE TO COMPLY WITH STATE STATUTE AS BAR TO RELIEF AGAINST UNFAIR COMPETITION. — The defendant, a foreign corporation, engaged in business in Missouri without taking out a license. Thereupon, for the purpose of pirating the business, the complainant corporation organized under the same name, receiving a certificate of incorporation from the Secretary of State. The complainant filed a bill to enjoin the defendant from doing business in the state under its corporate name. The defendant filed a cross bill. *Held*, that the defendant was entitled to judgment on its cross bill. *General Film Co. of Missouri v. General Film Co. of Maine*, 237 Fed. 64.

Trade names are acquired by adoption and user and belong to the one who first used them and gave them value. See *Nesne v. Sundet*, 93 Minn. 299, 101 N. W. 490. A corporation may choose any name, subject to the rule that it may not choose the name of a corporation already existing, or one that is to be used to deceive the public. See *Van Houten v. Hooton Cocoa Co.*, 130 Fed. 600. See NIMS, UNFAIR BUSINESS COMPETITION, § 102. Nor does the issuance of a charter to a corporation under a certain name give it a right to use that name if it was deliberately chosen or used for the purpose of deceiving the public and thereby appropriating the business of another. *Peck Bros. v. Peck Bros.*, 113 Fed. 291; *Bender v. Bender*, 178 Ill. App. 203. Clearly, then, the defendant had a right to the trade name. Such right is enforceable in equity. For the failure of a foreign corporation to comply with the terms of a licensing statute